

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing (day/month/year)	18.10.2005
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Applicant's or agent's file reference
402907WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/012955

International filing date (day/month/year)
12.11.2004

Priority date (day/month/year)
28.11.2003

Applicant
KONINKLIJKE KPN N.V. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/I/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 402907WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/012955	International filing date (<i>day/month/year</i>) 12.11.2004	Priority date (<i>day/month/year</i>) 28.11.2003	
International Patent Classification (IPC) or national classification and IPC H04M3/428, H04M7/00, H04M15/00			
Applicant KONINKLIJKE KPN N.V. et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 24.06.2005	Date of completion of this report 18.10.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Tillgren, M Telephone No. +49 89 2399- 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/012955

IP20 Rec'd PCT/PTO 04 MAY 2006

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Figures

1-3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	10,11
	No:	Claims	1-9
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-11

Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1) The following documents (D) are referred to in this communication:

D1=Brochure "XACCT SOLUTIONS FRO IP TELEPHONY, PROFITING FROM THE IP REVOLUTION", June 2001, Available from the Internet <URL: http://www.xacct.com/documents/ip_telephony_white_paper.pdf>, 7 April 2004.

D2=Communications, Computers and Signal Processing, 1999 IEEE Pacific Rim Conference on Victoria, BC, Canada 22-24 Aug. 1999, Piscataway, NJ, USA, IEEE, US, 1999-08-22 "Simultaneous Voice an Internet Data on Rural Subscriber Lines", Dodds and Swanson, University of Saskatchewan and TRLabs, Saskatoon, Canada.

- 2) With regard to present claim 1 the document D1 discloses method for logging information during a call completion process (page 12, paragraph 2), in an Internet call waiting environment (page 2, paragraph 3), comprising the steps of: creating a service detail record (page 12, paragraph 2), and assigning a value to a parameter of the service detail record (page 12, paragraph 2).

Hence claim 1 does not fulfill the requirements of Article 33(2) PCT since its subject matter is not novel.

- 3) It could be argued that there is no explicit indication in D1 that the call detail records could be used in the Internet call waiting environment. The examining division does however considered this connection to be implicitly made since this is one service mentioned in D1. Even if the applicant could convincingly argue that this connection does not exist. Claim 1 would not be inventive for the following reasons:

The document D2 discloses Internet call waiting, the difference between the subject matter of claim 1 and D2 is therefore the creation of a call detail record in claim 1.

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The objective problem to be solved by claim 1 is therefore how to acquire data, regarding the connection, for management purposes, e. g. billing.

To do this by establish a call detail record as in claim 1 is common practice in the telecommunication field. Furthermore it is even known from the field of IP-telephony to establish call detail records (see D1). Therefore it has to be considered obvious to the man skilled in the art to implement a method for establishing a call detail record according to D1 in a system according to D2 and arrive at the method of claim 1.

Claim 1 would therefore not involve an inventive step and would therefore not fulfill the requirements of Article 33(3) PCT.

- 4) The subject matter of independent claim 8 is equivalent to that of claim 1, however expressed in terms of apparatus features. Therefore the objections above regarding claim 1 also hold for claim 8.

Hence claim 8 does not fulfill the requirements of Article 33(2) PCT since its subject matter is not novel.

- 5) The only difference between the subject matter of independent claim 9 and that of claim 8 is that it is explicitly mentioned in claim 9 that the device for logging can be accessed via a network. This is however considered to be explicitly known from D1.

Hence claim 9 does not fulfill the requirements of Article 33(2) PCT since its subject matter is not novel.

- 6) The additional subject matter of the dependent claims 2-7 is known from D1 (page 11, paragraph 1).

Hence claims 2-7 do not fulfill the requirements of Article 33(2) PCT since their respective subject matter is not novel.

- 7) The additional subject matter of claims 10 (the network is mobile) and 11 (the network is fixed) does not give any contribution to an inventive step, since there are only two choices between networks, i.e. fixed or mobile. Therefore it is obvious

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to chose one or both of them.

Hence claims 10 and 11 do not fulfill the requirements of Article 33(3) PCT since their respective subject matter does not involve an inventive step.

Re Item VII

Certain defects in the international application

- 1) Independent claims 1, 8 and 9 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with known features being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 2) To meet the requirements of Rule 5.1(a)(ii) PCT, the documents D1 and D2 should have been identified in the description and the relevant background art disclosed therein should be discussed.